

Haklar, James

From: Haklar, James
Sent: Tuesday, January 05, 2016 11:05 AM
To: 'Keith Gagnon, LSRP Consulting'
Subject: RE: Former Alcoa Building 12, Edgewater NJ - Response to EPA Letter July 27, 2015

Thanks. I'm still concerned about the fact that the prior LSRP identified PCBs > 500 ppm. The new samples were collected in the same locations/depths as the original samples, correct? I'm also concerned that this could be a situation where samples were initially collected, soil was moved around (so PCBs were diluted) and then your sampling shows < 500 ppm.

From: Keith Gagnon, LSRP Consulting [mailto:kgagnon@lsrpconsulting.com]
Sent: Sunday, January 03, 2016 4:31 PM
To: Haklar, James <Haklar.James@epa.gov>
Subject: RE: Former Alcoa Building 12, Edgewater NJ - Response to EPA Letter July 27, 2015

Jim, status update – the soil samples were all below 500 ppm. The lab report is undergoing 3rd-party validation.
Keith

From: Keith Gagnon, LSRP Consulting
Sent: Friday, November 27, 2015 2:53 PM
To: Haklar, James
Subject: Re: Former Alcoa Building 12, Edgewater NJ - Response to EPA Letter July 27, 2015

Yes. I will call you.
Keith Gagnon
LSRP Consulting
11 Lake Michigan Drive
Little Egg Harbor Twp, NJ 08087
908-419-7918

On Nov 27, 2015, at 9:54 AM, Haklar, James <Haklar.James@epa.gov> wrote:
That's good for me as well. How about 9:00?

From: Keith Gagnon, LSRP Consulting [mailto:kgagnon@lsrpconsulting.com]
Sent: Thursday, November 26, 2015 7:10 AM
To: Haklar, James <Haklar.James@epa.gov>
Subject: Re: Former Alcoa Building 12, Edgewater NJ - Response to EPA Letter July 27, 2015

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Attachments: 2015 0930 Response to EPA Alcoa Bldg 12.pdf

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LSRP CONSULTING^{LLC}

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September 30, 2015

US Environmental Protection Agency, Region 2
2890 Woodbridge Avenue
Edison, New Jersey 08837-3679

Attn: Dr. James Haklar

Re: *Response to USEPA Letter dated July 27, 2015*
Former Alcoa Building 12 Property, 660 River Road, Block 74, Lot 1.02B
Edgewater, Bergen County, New Jersey 07020
NJDEP PI No. 023713, Case Nos. 13-10-10-1558-57 and 14-04-04-1604-09

Dear Dr. Haklar,

On behalf of North River Mews Associates, LLC (North River Mews), LSRP Consulting LLC¹ has prepared the following response to the US Environmental Protection Agency's (USEPA's) letter dated July 27, 2015 (Attachment 1) regarding the former Alcoa Building 12 property.

The USEPA's letter provided comments to Pennjersey Environmental Consulting's March 2015 *Remedial Investigation Report/Remedial Action Report/Remedial Action Workplan*. The responses below are in the same order as the USEPA's letter.

The Remedial Approach

The USEPA has established 500 parts per million (ppm) as the maximum PCB concentration that can remain under the approved site-wide cap at the subject property. The USEPA's letter notes that Figure 16 of Pennjersey's March 2015 report shows PCB concentrations above 500 ppm remaining at the site.

The figure shows four soil samples with PCB concentrations above 500 ppm. Samples PS-001 and PS-002, at 1,122 and 836 ppm, respectively, were in the western portion of the property and associated with two former underground storage tanks (USTs). However, inclusion of these two samples on Figure 16 appears to be an error, as the March 2015 report (Section 3.2.5.1) states samples PS-001 and PS-002 were excavated during March 2014.

Samples PE-061 and PE-063, at 687 and 735 ppm, respectively, were in the southwestern portion of the property and associated with the soil excavation for the former USTs. The inclusion of these two samples on Figure 16 may also be an error, as the March 2015 report states the area in the vicinity of the samples were excavated during May 2014 (Section 3.2.6).

¹ Keith Gagnon of LSRP Consulting LLC was recently retained as the Licensed Site Remediation Professional (LSRP) for the former Alcoa Building 12 by North River Mews Associates, LLC

To confirm PCB concentrations above 500 ppm are not present at the PS-001, PS-002, PE-061 and PE-063 locations, one soil sample will be collected adjacent to each of the four former sample locations and analyzed for PCBs (see map, Attachment 2). If PCBs are detected above 500 ppm, the impacted soils will be excavated.

The Extent of Characterization

The USEPA letter included two comments regarding the extent of characterization:

On-Site

The USEPA requested additional PCB characterization in the northwestern portion of the subject property, in the area encircled by samples SS/SB-011, SB-015A/B, SS-015, SS-014, PE-078, PE-071, PE-070 and SB-021A/B/C. North River Mews proposes to complete four soil borings (SB-029 through SB-032) at the locations shown on the map in Attachment 2.

To address potential off-site issues, three additional on-site characterization soil samples are proposed: SB-033 and SB-034 in the northwest portion of the property and boring SB-035 in the southeast corner (see map in Attachment 2).

Each of seven borings will extend to a depth of 2 feet and the soils will be visually screened for evidence of staining and PCB contamination. At least one soil sample will be collected from each boring from the interval suspected of being contaminated; if no evidence of contamination is observed, the sample will be collected from the initial 6-inch interval of soil below the previously installed gravel layer. This plan is consistent with the sampling performed during the site-wide soil characterization activities, where the initial characterization samples were collected within the upper 1 foot of soil.

North River Mews will provide the USEPA with a map showing the locations and concentrations of the remaining PCB concentrations in soil at the property.

Off-Site

The USEPA commented that while the entire subject property will be covered by the cap, the characterization sampling data does not show the extent of the cap is sufficient to isolate all PCBs (i.e., adjacent off-site soils) above the USEPA's applicable PCB cleanup levels.

To the south of the subject property, a review of Pennjersey's March 2015 report, including Figure 16, shows previously analyzed nearby off-site samples sufficiently characterize the soils. Along Vreeland Terrace, 12 off-site soil samples were collected from 7 borings; no PCBs were detected with the exception of an estimated concentration of 0.04 ppm in one sample.

To the west, 12 off-site soil samples collected from 6 borings adjacent to the UST piping run and near the UST remediation area; no PCBs were detected. As discussed above, two proposed soil

samples (SB-033 and SB-034) will address potential off-site issues in the northwest portion of the property.

To the east, River Road is adjacent to the subject property. As discussed in a February 1999 *Remedial Action Report* prepared by Enviro-Sciences, Inc. (ESI), in accordance with a Remedial Action Workplan approved by the New Jersey Department of Environmental Protection (NJDEP), crushed concrete containing less than 50 ppm of PCBs was used as grading material beneath River Road by Bergen County (pertinent pages from the ESI report are included as Attachment 3). As discussed above, the proposed soil sample at boring SB-035 will address potential off-site issues in the southeastern portion of the property.

To the north, a cemetery is adjacent to the subject property. The Borough of Edgewater has informed North River Mews that it will perform soil sampling in the cemetery, and any PCB remediation in the cemetery will be managed and addressed separately from the remediation of the former Alcoa Building 12 property. If the Borough of Edgewater does not complete the cemetery investigation, North River Mews will propose a sampling plan to the USEPA.

The Piping Runs

North River Mews will remove and properly dispose of the remaining piping runs. As discussed in Pennjersey's March 2015 report, laboratory analysis of 12 soil samples collected from 6 borings adjacent to the piping runs did not detect any PCBs. Therefore, additional soil sampling following the removal of the piping runs is not necessary, provided visual staining is not observed and/or any incidental liquids from the piping impacts the soil during removal.

Additional Characterization Activities

The USEPA letter discussed additional characterization activities for three areas at or adjacent to the subject property:

Storm Water System

As discussed in Pennjersey's March 2015 report, storm water accumulated in an excavation for the two former USTs. For a few hours, the storm water was pumped into the storm water sewer beneath Vreeland Terrace, the adjacent street to the south of the subject property. It is unknown whether the storm water contained PCBs.

A map showing the location of the storm water system beneath Vreeland Terrace is included as Attachment 4. The storm water system adjacent to the former Alcoa Building 12 consists of one catch basin, two manholes and approximately 225 feet of 18-inch concrete pipe.

To address the potential that the storm water contained PCBs, the sediment in the catch basin and the two manholes will be removed and disposed of as PCB waste. Based on the short-term storm water discharge (a few hours during one day), it is unlikely the concrete pipe was impacted by PCBs. However, following sediment removal, two concrete chip samples will be

collected from each of the two manholes for PCB analysis, for a total of four samples. The chip samples will be collected from the floor and from a sidewall near the floor of each manhole.

Former Building Wall Concrete

The locations of the remaining former concrete building walls are shown on the map included as Attachment 5. As discussed in ESI's August 2002 *Remedial Action Report* (included in Appendix E of Pennjersey's March 2015 report), the remaining concrete building walls (approximately 4,570 square feet) have already been sampled, washed and sealed with two layers of an epoxy coating.

Prior to sealing, 21 samples from the concrete walls were collected and analyzed for PCBs via concrete cores from 10 locations biased to areas of visible staining or discoloration. The PCB concentrations ranged from 0.037 to 1.0 ppm, with an average concentration of 0.56 ppm.

The results were provided to the USEPA, which responded with a letter dated October 7, 1999 stating that based on the age of the PCBs and since the PCB concentrations were less than 50 ppm, "any renovation, disposal or use of the walls is not subject to the federal regulations for PCBs". The USEPA's October 7, 1999 letter and the pertinent pages of ESI's report describing the concrete wall sampling and epoxy coating activities are included as Attachment 6.

In accordance with a Remedial Action Workplan approved by the NJDEP on November 11, 2000, the remaining concrete walls were washed and sealed with two layers of an epoxy coating. The NJDEP approved the epoxy coating activities in a letter dated November 20, 2002, and issued a No Further Action (NFA) letter on February 12, 2003.

Based on the previous PCB sampling results for the concrete walls, the USEPA's October 1999 letter, the subsequent sealing of the walls with two layers of an epoxy coating, and the NJDEP approval and NFA letters, the March 2015 proposal to sample and apply two layers epoxy coating on the concrete walls is respectfully withdrawn.

Cemetery Soil

The Borough of Edgewater has informed North River Mews that it will perform soil sampling in the cemetery, and any PCB remediation in the cemetery will be managed and addressed separately from the former Alcoa Building 12 property. Therefore, the March 2015 proposal to sample the cemetery soil is respectfully withdrawn. As discussed above, if the Borough of Edgewater does not complete the cemetery investigation, North River Mews will propose a sampling plan to the USEPA.

Decontamination

No comment necessary.

Dr. James Haklar
USEPA
September 30, 2015
Page 5

Following the completion of the activities discussed in this letter, North River Mews will provide the USEPA and NJDEP with a report that will include details of the completed activities, tabulated sample results, figures showing the sample locations, a figure showing the locations and concentrations of the remaining PCB concentrations in soil, and the disposal manifests.

We anticipate this response addresses the USEPA's comments. If you have any questions, please contact me at 908-419-7918 or kgagnon@lsrpconsulting.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Kgagnon", with a long horizontal flourish extending to the right.

Keith Gagnon
LSRP No. 582874

c: Mr. Kevin Schick, NJDEP

ATTACHMENT 1

USEPA LETTER DATED JULY 27, 2015



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

JUL 27 2015

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
Article Number: 7001 0320 0004 7788 8315

Mr. Roger A. Ferguson, Jr., LSRP
President
Pennjersey Environmental Consulting
744 Milford Warren Glen Road
Milford, New Jersey 08848-1647

Re: Former Alcoa Building 12
Borough of Edgewater, New Jersey

Dear Mr. Ferguson:

The United States Environmental Protection Agency (EPA) has reviewed the March 5, 2015 document entitled "Remedial Investigation/Remedial Action Report/Remedial Action Workplan" (Workplan), prepared and submitted by Pennjersey Environmental Consulting on behalf of North River Mews Associates, LLC (North River Mews). The Workplan presents an application for a risk-based cleanup, under 40 CFR 761.61(c), of polychlorinated biphenyls (PCBs) present at the former Alcoa Building 12 property (former Alcoa property) located at 660 River Road in Edgewater, New Jersey. EPA's comments on the Workplan are provided below.

The Remedial Approach: With the exception of limited excavation for the installation of utilities, the Workplan proposes in-place disposal of PCBs under the building slab with the building's slab functioning as the cap. The Workplan proposes that levels of PCBs as high as 1,122.2 parts per million (ppm) (as shown on Workplan Figure 16) will remain on the property. The highest concentration of PCBs that EPA Region 2 targets for on-site disposal in a risk-based cleanup is 500 ppm. This is based on several factors including the potential for future impacts to groundwater and surface water as well as an intent to limit the volume of high concentration PCBs remaining on a contaminated property (where the PCBs could be considered a principal threat to human health or the environment). Given that the former Alcoa property is being redeveloped for commercial (high occupancy) use and is situated in a densely populated area along a major surface water body, we do not believe that concentrations greater than 500 ppm should remain on the Site.

The Extent of Characterization: The extent of characterization is insufficient to support the proposed remedial approach. There is an area of the property, encircled by sample locations SS/SB-011, SB-015A/B, SS-015, SS-014, PE-078, PE-071, PE-070, and SB-021A/B/C that has not been characterized. Furthermore, while we understand that the proposed cap will extend over the entire property, the existing characterization data does not show that the extent of the cap is sufficient to isolate all PCBs above the Agency's high occupancy unrestricted cleanup level of 1 ppm or the low occupancy (uncapped) cleanup level of 25 ppm.

The Piping Runs: The Workplan describes that the piping runs were crimped closed and, apparently, abandoned in place. Since there was liquid in the piping and soil near the piping is contaminated with PCBs, we do not understand the reason that the piping was not removed. The piping must be addressed in accordance with the federal PCB regulations.

Additional Characterization Activities: The Workplan presents additional characterization activities for the storm water system, the former building wall concrete, and the cemetery soil. With regard to the investigation of the storm water system and former building wall concrete, the information provided is insufficient for EPA to use to determine whether the work is appropriate. The details of these activities must be submitted to EPA for review and approval.

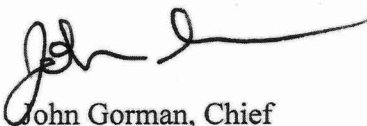
The proposed cemetery investigation consists of collecting six soil samples along the boundary with the former Alcoa property and we do not believe this is sufficient for adequate characterization. We recommend that samples be collected along the property boundary on a 20-foot by 20-foot grid with samples collected at the grid nodes. Please be advised that the Borough of Edgewater has informed EPA that it is anxious to reopen the cemetery which is closed until the PCBs have been characterized. We believe that the cemetery sampling can be separated from the other Workplan issues and we therefore ask North River Mews to perform this work, in accordance with our aforementioned recommendation, as soon as possible.

Decontamination: Please be advised that all sampling and other remediation equipment that contacts soil potentially contaminated by regulated PCBs must be decontaminated in accordance with 40 CFR 761.79.

Based on the aforementioned comments, EPA cannot, at this time, approve North River Mews' plan for risk-based disposal of PCBs at the former Alcoa property. The Agency will reevaluate its determination once the Agency's comments are addressed.

If you have any questions please contact Dr. James Haklar at (732) 906-6817 or at haklar.james@epa.gov.

Sincerely yours,



John Gorman, Chief
Pesticides and Toxic Substances Branch

cc: Kevin Schick, New Jersey Department of Environmental Protection

ATTACHMENT 2

PROPOSED SOIL SAMPLE LOCATIONS

ATTACHMENT 3

PERTINENT PAGES

ESI REMEDIAL ACTION REPORT, FEBRUARY 1999

III. REMEDIAL INVESTIGATION – SCOPE OF WORK

There were two Remedial Action Workplans² approved for the subject property. The first, dated August 1997, proposed specific actions for Buildings 5, 7, and 9 (Appendix 2). A second RAW, dated September 1997, proposed specific cleanup activities associated with the Russell Avenue Wing, River Road Wing, and Building 11 and 12 (Appendix 3).

It is anticipated that a third and final RAW will be prepared and approved for Building 12, as Building 12 has been bifurcated from the current review process. The results will be reported in a separate RAR.

A. Objectives

Both RAW-1 and RAW-2 included the following objectives:

- Remove all construction materials contaminated with PCBs in excess of the 50 parts per million (ppm) Toxic Substances Control Act (TSCA) cleanup criteria. Materials in this category had to be removed from the site and sent to an approved disposal facility. The removal, temporary on-site storage, and disposal operations had to be cost effective, environmentally sensitive, and executed accordance with NJDEP regulations.
- Additional areas containing construction materials with PCB concentrations between 0.49 and 50 ppm had to be removed from the subject property. Removal would allow the property to meet the NJDEP PCB residential soil cleanup criteria. As these materials contained PCBs that were less than the TSCA criteria, they were removed from the buildings, crushed, processed in an on-site recycling center, and reused for the reconstruction of River Road.
- Dust monitoring and control were significant issues during both the operation of the recycling center and during demolition activities. Concerned parties included the applicant, surrounding property owners, and the adjacent public school.

² For clarity and when necessary, the RAW for Buildings 5, 7, and 9 will be referred to as RAW-1, and the RAW for the Russell Avenue and River Road Wings, and Building 11 will be referred to as RAW-2. In general, both documents will be collectively referred to as the RAW.

IV. TECHNICAL OVERVIEW

A. Remedial Action Objectives

As stated in Section 4 of this report, the objectives of the remedial action were to:

- Remove PCB contamination in excess of 50 parts per million (ppm) from specific areas of concern (AOC) of the property. This material was disposed off-site at an NJDEP approved site.
- Additionally, remove areas containing PCB concentrations between 0.49 and 50 ppm. This material was then crushed, recycled, and then used as road bedding material off-site.

B. Analytical Findings Summary

1. Buildings 5, 7, and 9

The construction materials historically determined to be contaminated with PCBs, in excess of the 50 ppm standard were removed, temporarily stockpiled on-site, and hauled off site in a controlled manner. The material was shipped under a series of manifests to Model City, New York.

All construction material, including those determined to have PCB concentrations between 0.49 and 50 ppm were removed from the buildings, temporarily stockpiled on-site, and subsequently recycled for off-site usage as roadway construction material. A summary of the analytical data can be found in Appendix 7.

2. Russell Avenue and River Road Wings, and Building 11

As described above and in Table 1, a series of samples were required to be collected by RAW-2. These samples were collected in the prescribed manner and sent to ChemTech (Englewood, New Jersey) for PCB analysis.

The results of the analytical testing are summarized in Table 2. The estimated volumes of contaminated concrete are summarized in Table 3. In addition, the QA/QC packages associated with the results are provided in Appendix 4 and the Electronic Data Deliverables (EDX) area provided in Appendix 5.

V. FINDINGS AND REMEDIAL ACTION REPORT

There were two general areas of concern regarding this project:

- Construction materials contaminated with PCBs in excess of 50 ppm located in Buildings 5, 7, 9, and 11, as well as the Russell Avenue and River Road Wings. This material was selectively removed, staged, and transported to a secure landfill in Model City, New York.
- Concrete contaminated with PCBs concentrations between 0.49 and 50 ppm. The material was also selectively removed, staged, crushed, and subsequently used by Bergen County as grading material for the reconstruction of River Road adjacent to the subject property.

As discussed in Section 4, there is currently no existing or proposed concrete remediation or cleanup standards promulgated in the State of New Jersey. However, for the purposes of this project, PCB-contaminated debris was evaluated with respect to the Unrestricted Use Soil Cleanup Criteria under N.J.A.C. 7:26D.

All areas of concern within the subject property have been remediated as of the date of this report (except for Building 12). The buildings found to have PCB contaminated concrete above 0.49 ppm have had that material removed. Subsequently, it has either been transported to an approved hazardous waste storage facility or recycled and used as sub-base off-site road construction material.

In addition, all of the buildings on the subject property have been demolished and the site graded (except for Building 12). There are no site restoration activities anticipated. The site will be redeveloped with high-density residential dwelling units. The applicant knows of no known on-site areas containing PCB contamination in excess of the 0.49-ppm residential soil cleanup criteria.

A. Disposal Sites Employed

Chemical Waste Management transported all concrete contaminated with PCBs in excess of 50 ppm to their Model City, New York disposal facility. This disposal facility was approved by NJDEP.

B. Manifests Discussion

Copies of the manifest used during the transport of the PCB contaminated concrete to the Model City facility can be found in Appendix 6.

VI. OPERATION AND MAINTENANCE PLAN

All existing building structures, except Building 12, were processed through the recycling center. The processed concrete as noted above was utilized by the Bergen County Department of Planning and Economic Development as road base material in the River Road expansion. None of the material was used by NRMA for on-site construction.

The site is currently being redeveloped into a residential complex by NRMA. There is no on going operational or maintenance plans associated with the removed contaminated material.

IX. CONCLUSIONS

Based on the remedial action assessment, the removal of all PCB contaminated concrete is the appropriate solution for the former Alcoa site. Removing all the contaminated material to NJDEP soil cleanup criteria will protect future tenants, neighboring residential uses, and businesses from potentially hazardous materials on-site.

It is important to note that all the crushed concrete from the subject was used by the County for the reconstruction of River Road. No crushed concrete originating from the demolition material was reused on the subject property.

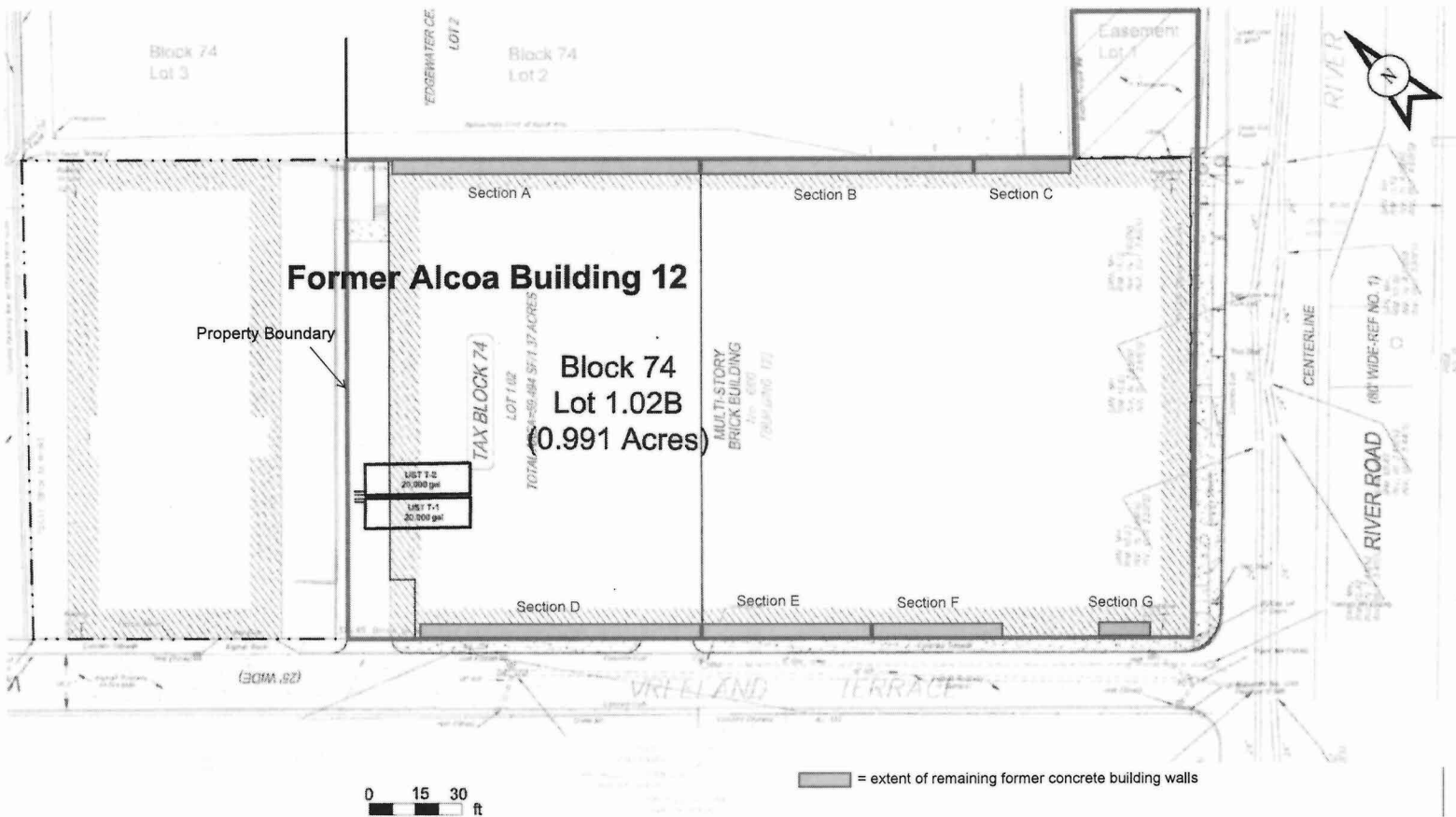
The measures taken to minimize the exposure of workers and nearby residents to any construction dust during the demolition and removal process was successful.

ATTACHMENT 4

STORM WATER SYSTEM BENEATH VREELAND TERRACE

ATTACHMENT 5

LOCATION OF REMAINING FORMER CONCRETE BUILDING WALLS



Remaining Former Concrete Building Walls
Former Alcoa Building 12
Edgewater, NJ

ATTACHMENT 6

USEPA LETTER DATED OCTOBER 7, 1999

AND

PERTINENT PAGES

ESI REMEDIAL ACTION REPORT, AUGUST 2002



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

October 7, 1999

Irving D. Cohen, CEP, CES, CEI, Chief Executive Officer
Enviro-Sciences Inc.
111 Howard Boulevard, Suite 108
Mount Arlington, New Jersey 07856

Dear Mr. Cohen:

This is a response to the reported levels of polychlorinated biphenyl (PCB) contamination found in the interior walls of Building 12 at the former ALCOA facility at 700 River Road, Edgewater, New Jersey. Core samples of the concrete walls were obtained based on the sampling plan this office reviewed on July 30, 1999.

The sampling results show PCB contamination in core samples taken at 0"-2" and 2"-4" intervals into the wall to be less than one part per million (ppm). Since the history of this site indicates that contamination occurred prior to the regulation of PCBs by EPA and the levels are less than 50 ppm, the PCBs are not regulated under the federal PCB regulations. Additionally, less than one ppm is the standard or goal for cleanup of bulk PCB contamination in situations where cleanup is required..

It is anticipated that the existing wall areas will be covered as part of the renovations of the building.

Therefore any renovation, disposal or use of the walls is not subject to the federal regulations for PCBs.

This determination is based on the information provided.

If you have any questions on this response, please contact me at (732) 906-6817 or greenlaw.david@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Greenlaw", is written over the typed name.

David Eric Greenlaw, PCB Program Coordinator
Pesticides and Toxic Substances Branch

REMEDIAL ACTION REPORT

**River Mews Associates
(Building 12 - Former Alcoa Facility)
700 River Road
Edgewater, New Jersey 07020
(NJDEP #97-6-10-0037-28)**

August 2002

**ENVIRO-SCIENCES, INC.
111 HOWARD BOULEVARD, SUITE 108
MT. ARLINGTON, NEW JERSEY 07856
(973)398-8183 • (973)398-8037 - Fax**



4.0 DESCRIPTION OF REMEDIAL INVESTIGATION

Building 12 is currently standing vacant and partially rehabilitated. All the interior walls have been removed. The exterior walls enclose a space containing two stories. A floor divides this space into two stories. The first story includes a partial basement that underlies the eastern portion of the building. The second story runs the entire length of the building.

On September 17, 1999, the interior surfaces of the exterior walls of Building 12 were tested to determine if they were contaminated with PCBs. The program consisted of collecting a series of ten core samples.

The cores were collected from approximately one foot above the intersection of the wall and floor. Test locations were biased towards areas of visible staining or discoloration. The differentiation of walls either suspected or not suspected of having PCB contamination was based on their locations. Walls adjacent to floor panels that were removed and were suspected of having been contaminated with low levels of PCBs. Walls adjacent to existing floor panels were determined to be less contaminated. Five cores were collected from exterior wall panels suspected of having elevated concentrations of PCBs. In addition, five additional cores were taken from exterior walls suspected of having minimal PCB contamination.

After collection of each core, sub-samples were taken: the first 2-inch and the second 2-inch segments were harvested. Each was subsequently crushed prior to being sent to the laboratory. The sampling results indicated that all of the cores collected from suspected areas without contamination had PCB concentrations below the 0.49-ppm criteria, both in the surfacial and 2-inch depth samples. As for the areas that were suspected as being contaminated, three of the five surfacial samples had PCB concentrations slightly in excess of the 0.49-ppm criteria. Only one of these samples exhibited contamination in the 2-inch depth section. This last sample was the most visibly stained.

5.0 IMPLEMENTATION OF THE REMEDIAL ACTION WORKPLAN

The proposed Remedial Action to mitigate the PCB contamination in the exterior walls of Building 12 was as follows:

- Wall panels and supporting columns were washed to a height of 8-feet with a water-based soap solution per the paint manufacturer's specification. The wash water was collected and a composite sample was collected by ESI and laboratory tested for PCBs prior to disposal.
- The walls were allowed to adequately dry following wash operations.
- All the wall panels were painted twice with a two-part epoxy-based paint to seal the concrete and brick walls.
- The painted walls will be periodically monitored for cracking, leaks, and structural defects. (Deed Notice)
- The general public will be excluded from Building 12 until such a time as the building is rehabilitated or demolished (Deed Notice)

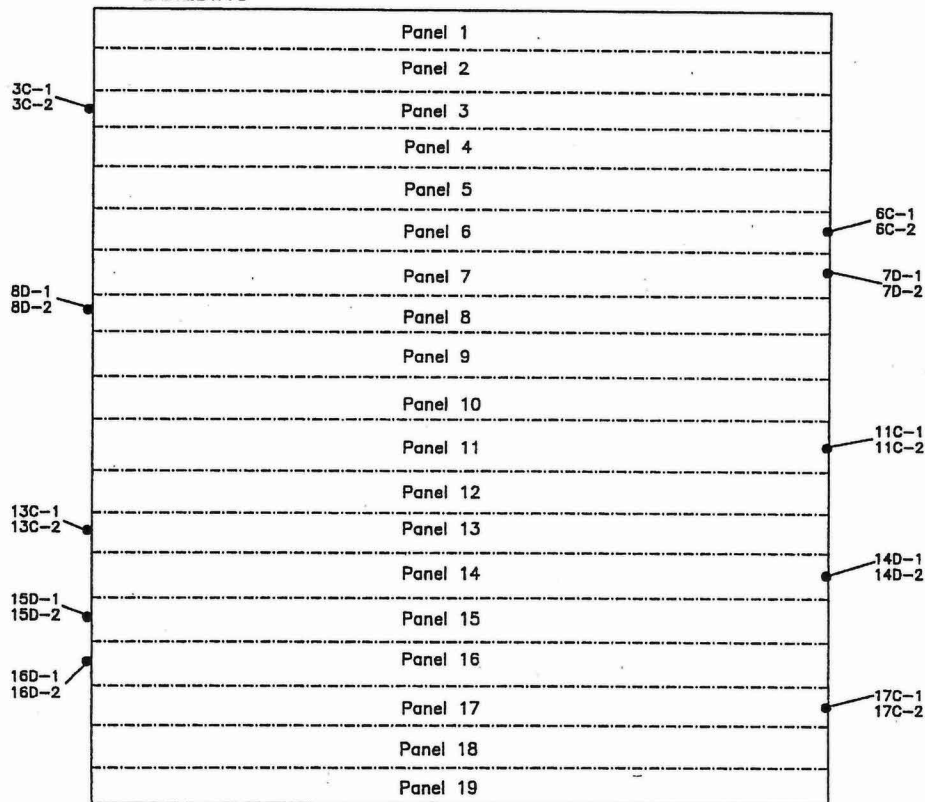
7.0 FINDINGS

The washing of the interior surfaces of the exterior walls of Building 12 have been documented (Attachment 7), as well as the application of the paint specified by the NJDEP. The laboratory analysis of the composite wash water sample indicated that PCB levels (i.e., very low levels) were within an acceptable concentration to allow disposal.

A Deed Notice was prepared for this project that would limit the general public's access to Building 12, until such time as the Notice was removed by agreement between NRMA and the NJDEP. The draft of the Deed Notice is provided as Attachment 4.

With the completion of the remedial activities specified in the RAW and implementation of the Deed Notice, the remediation of Building 12 is now complete.

BUILDING



River Road

LEGEND

17C-1
● Sampling Location

NOTES

C = No PCB Contamination
D = PCB Contamination
#1 = 1st two-inches
#2 = 2nd two-inches
Panel width = 18.0'
Drawing not to Scale

FIGURE 3

PCB SAMPLING LOCATIONS

ALCOA
Bergen County New Jersey

PROJECT NUMBER	PROJECT NO.
ENVIRO-SCIENCES, INC. 111 Harvard Boulevard, Suite 108 Morristown, NJ 07958 973-965-2121 • Fax 973-965-9097	DRAWN BY/DATE LMH/6-25-99
APPROVED BY/DATE ALC-001	PROJECT NUMBER ALC-001

Table 2
Former Alcoa Facility-Building 12
PCB Sampling Results

SAMPLE LOCATION	RESULT
3C-1	0.210 ppm
3C-2	0.250 ppm
6C-1	0.200 ppm
6C-2	0.110 ppm
11C-1	0.120 ppm
11C-2	0.037 ppm
13C-1	0.072 ppm
13C-2	0.250 ppm
17C-1	0.070 ppm
17C-2	0.063 ppm

SAMPLE LOCATION	RESULT
7D-1	0.530 ppm
7D-2	0.370 ppm
8D-1	0.071 ppm
8D-2	0.051 ppm
14D-1	0.057 ppm
14D-2	0.058 ppm
15D-1	0.610 ppm
15D-2	0.460 ppm
16D-1	0.640 ppm
16D-2	0.970 ppm
16D-2L	1.000 ppm

All results are for parameter 1254 Aroclor

C = Sample locations where the floor did not contain staining

D = Sample locations where the floor was removed due to PCB contamination

-1 = Sample obtained at first 2 inches

-2 = Sample obtained at second 2 inches



744 Milford Warren Glen Road
Milford, NJ 08848
(888) 679-7462
(908) 329-6060
www.pennjerseyenv.com

Sent Electronically

August 26, 2015

Mr. James Haklar, Ph.D.
Pesticides and Toxic Substances Branch
United States Environmental Protection Agency Region 2
Mail Code: MS105
2890 Woodbridge Avenue
Edison, New Jersey 08837-3679

Re: Former Alcoa Building 12
a.k.a. A.P. New Jersey
660 River Road
Edgewater, Bergen County
Block 74 Lot 1.02B
USEPA ID No. NJD981559149
NJDEP PI No. 023713 & 620276

Dear Dr. Haklar:

Please be advised that our relationship with North Riverside Mews Associates, LLC, was terminated on August 11, 2015, including our work on the above project site. We appreciate the opportunity to have worked with you on this matter.

Thank you for your attention to this matter. Should you have any questions or comments, please feel free to contact me at (908) 329-6060 or rferguson@pennjerseyenv.com.

Sincerely yours,
Pennjersey Environmental Consulting

A handwritten signature in black ink, appearing to read "Rodger A. Ferguson, Jr.", is written over the company name.

Rodger A. Ferguson, Jr., LSRP
President
Licensed Site Remediation Professional No. 573794

Enc.

cc: Mr. John M. Scagnelli, Esq.
Scarinci Hollenbeck LLC

Mr. Kevin Schick
NJDEP Bureau of Environmental Evaluation & Risk Assessment

Haklar, James

From: Keith Gagnon, LSRP Consulting <kgagnon@lsrpconsulting.com>
Sent: Thursday, August 20, 2015 6:24 PM
To: Haklar, James
Subject: EPA Letter dated July 27, 2015 regarding Former Alcoa Building 12, Edgewater, NJ

Jim, I am working with the owner of the subject property to complete the PCB risk-based cleanup. I have reviewed your letter of July 27, 2015 and the PennJersey March 2015 report. Would you have time for a phone call with me on Tuesday or Wednesday, August 25 or 26 to discuss your letter? I have some questions and want to be sure I understand what needs to be done.

Thank you, Keith

Keith Gagnon, LSRP
LSRP Consulting LLC
11 Lake Michigan Drive, Little Egg Harbor Twp, NJ 08087
908-419-7918 ♦ kgagnon@lsrpconsulting.com
www.lsrpconsulting.com



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

JUL 27 2015

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
Article Number: 7001 0320 0004 7788 8315

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President
Pennjersey Environmental Consulting
744 Milford Warren Glen Road
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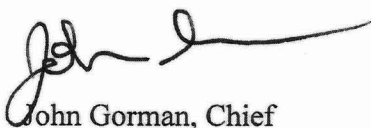
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Decontamination: Please be advised that all sampling and other remediation equipment that contacts soil potentially contaminated by regulated PCBs must be decontaminated in accordance with 40 CFR 761.79.

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If you have any questions please contact Dr. James Haklar at (732) 906-6817 or at haklar.james@epa.gov.

Sincerely yours,



John Gorman, Chief
Pesticides and Toxic Substances Branch

cc: Kevin Schick, New Jersey Department of Environmental Protection

Haklar, James

From: Rodger Ferguson <rferguson@pennjerseyenv.com>
Sent: Thursday, January 08, 2015 8:11 AM
To: Haklar, James
Subject: RE: Former Alcoa Building 12

No, Mr. Don is my direct client contact.

From: Haklar, James [mailto:Haklar.James@epa.gov]
Sent: Thursday, January 08, 2015 8:10 AM
To: Rodger Ferguson
Subject: FW: Former Alcoa Building 12

Thank you Rodger. Your message works for me.

Does Mr. Berek's email have any impact on the message?

Jim

From: Berek Don [mailto:bdon@daibes.com]
Sent: Wednesday, January 07, 2015 4:27 PM
To: Rodger Ferguson
Cc: Haklar, James; Fred Daibes; Patrick Papalia Esq.; Debra S. Rosen, Esq.
Subject: Re: Former Alcoa Building 12

I assume this was reviewed as directed prior to forwarding

Sent from my iPad

On Jan 7, 2015, at 4:21 PM, Rodger Ferguson <rferguson@pennjerseyenv.com> wrote:

Jim:

Thanks for taking the time to talk with me yesterday regarding the status of the Alcoa site investigation. By way of this email, and on behalf of our client, we are withdrawing the Self Implemented Disposal Plan (SIP) submitted on May 30, 2014 and revised on July 18, 2014.

- As we discussed, these documents are being withdrawn as moot since the stockpile of PCB remediation waste has been disposed of at TSCA permitted facilities (CWM Chemical Services, LLC in Model City, NY and Wayne Disposal, Inc., Belleville, MI); and therefore, the disposal no longer requires pre-approval of the agency.
- Also, as you informed us, the Agency does not pre-approve non-TSCA disposal facilities without the characterization data for the stockpiled PCB remediation waste.
- We reserve the right to re-apply for a SIP for off-site disposal of PCB remediation waste in the future as site conditions warrant.

As we discussed, we are preparing a formal Remedial Investigation / Risk Assessment / Remedial Action Workplan for your review and approval. We expect to submit the RI/RA/ RAW to the agency in approximately 30 days.

We trust that this information is sufficient for your use. Please feel free to contact me at any time should you have any questions regarding this project. We look forward to working with you towards its successful completion.

Rodger

Rodger A. Ferguson, Jr., LSRP
President
PennJersey Environmental Consulting
744 Milford Warren Glen Road
Milford, NJ 08848-1647
(888) 679-7462 office
(908) 329-6060 office
(609) 706-1141 cell
rferguson@pennjerseyenv.com
www.pennjerseyenv.com

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Please consider the environment before printing this, or any other, email.

Haklar, James

From: Rodger Ferguson <rferguson@pennjerseyenv.com>
Sent: Wednesday, January 07, 2015 4:22 PM
To: Haklar, James
Cc: Fred Daibes; Berek Don; Patrick Papalia Esq.; Debra S. Rosen, Esq.
Subject: Former Alcoa Building 12

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We trust that this information is sufficient for your use. Please feel free to contact me at any time should you have any questions regarding this project. We look forward to working with you towards its successful completion.

Rodger

Rodger A. Ferguson, Jr., LSRP
President
PennJersey Environmental Consulting
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Haklar, James

From: Rodger Ferguson <rferguson@pennjerseyenv.com>
Sent: Wednesday, December 10, 2014 5:09 PM
To: Haklar, James
Subject: RE: Alcoa

Jim:

We have been on-hold recently pending resolution of some issues with our client; hopefully this will be successful by the end of the week. I did see that we received a response from USEPA Headquarters regarding the risk assessment and the tox data for total PCBs vs Aroclor mixtures for our calculations. I don't think it changes our approach or calculations, but I do need to review with our risk assessor.

I'll let you know Friday where we stand,

Rodger

From: Haklar, James [mailto:Haklar.James@epa.gov]
Sent: Wednesday, December 10, 2014 1:45 PM
To: Rodger Ferguson
Subject: RE: Former St. Peter's School

Rodger,

It's time to talk about Alcoa and the July 18th submission. I'm around tomorrow and Friday so if you have some free time let me know and we can have a call.

Jim

James S. Haklar, Ph.D.
Sr. PCB Disposal Specialist
Division of Enforcement and Compliance Assistance

(732) 906-6817

From: Rodger Ferguson [mailto:rferguson@pennjerseyenv.com]
Sent: Thursday, September 25, 2014 11:06 AM
To: Haklar, James
Cc: William Call
Subject: RE: Former St. Peter's School

Jim:

Yes, we definitely need to talk about Alcoa as we're deep into the RI-RAW (with risk assessment) report writing.

You'll need to discuss St. Peters with Bill, he is copied on this email, and you can reach him on his cell phone at (732) 245-1874. His schedule looks open tomorrow.

Rodger

From: Haklar, James [<mailto:Haklar.James@epa.gov>]

Sent: Thursday, September 25, 2014 11:04 AM

To: Rodger Ferguson

Subject: Former St. Peter's School

Hi Rodger,

I realize we have to talk about Alcoa, but for now I have some questions about the August 25th SIP for St. Peter's School. William Call prepared the plan, and I'd like to know if either of you have some time tomorrow to discuss it.

Sincerely,

Jim

James S. Haklar, Ph.D.

Sr. PCB Disposal Specialist

Division of Enforcement and Compliance Assistance

(732) 906-6817

326 Willow Grove Road, Stewartville, NJ 08886-3102
(908) 329-6060 www.pennjerseyenv.com

Sent Electronically and via Overnight Delivery

July 18, 2014

Mr. John Gorman, Chief
Pesticides and Toxic Substances Branch
United States Environmental Protection Agency Region 2
Mail Code: MS105
2890 Woodbridge Avenue
Edison, New Jersey 08837-3679

Re: Former Alcoa Building 12
660 River Road
Edgewater, Bergen County
Block 74 Lot 1.02B
USEPA ID No. NJD981559149

Dear Mr. Gorman:

We are in receipt of the correspondence dated June 27, 2014 regarding the Self Implemented Disposal Plan (SIDP) submitted regarding the former Alcoa Building 12 Site (the Site) in Edgewater Borough. We are hopeful that the following will alleviate any concerns of the United States Environmental Protection Agency's (USEPA's) over what has become a complex situation and look forward to working with USEPA to resolve any outstanding issues.

On behalf of our client, 38 COAH Associates, LLC, the property owner, we have prepared the following to addresses the specifics concerns noted in the June 27 correspondence.

General Comments

"Submission of the Notification: Please clarify whether the SIDP was provided to the New Jersey Department of Environmental Protection and the local environmental protection agency (such as the Bergen County Department of Health Services). Notification of state and local environmental agencies is required per 40 CFR 761.61(a)(3)(i)."

The SIDP was not submitted to NJ Department of Environmental Protection (NJDEP) or the Bergen County Department of Health Services. This oversight will be corrected with the submission of this response and the revised SIDP attached to this correspondence.

"Scope of the SIDP: The SIDP discusses a number of remedial activities and it is difficult to understand what activities the site owner is seeking approval for. While the Executive Summary indicates that approval is being requested for the off-site disposal of polychlorinated biphenyl (PCB) contaminated material, there are other activities identified in the SIDP (such as implementation of an interim remedial measure, future characterization sampling, and development of a risk-based PCB cleanup and disposal

application) for which it appears that approval is indirectly being sought. Please provide clarification with regard to the remedial activities for which the site owner is requesting EPA approval at this time. Please be aware that, with the exception of characterization sampling, EPA does not issue "after-the-fact" approvals for remedial actions that have already occurred."

The scope of the submission was to:

- a) request USEPA's approval for the off-site disposal of stockpiled bulk PCB remediation waste at an appropriate, but non-TSCA licensed landfill e.g., a RCRA Subtitle C facility,
- b) obtain USEPA approval for other future disposal self-implemented disposal options should future conditions so warrant, and
- c) inform USEPA of the activities that have occurred and will occur at the Site and to provide sufficient background so that while a draft document is being prepared, USEPA is able to provide guidance regarding the preparation of the complete Remedial Investigation Report – Remedial Action Workplan (RIR/RAW) to facilitate its prompt approval.

The owner has indicated that the prompt disposal of the contaminated soil and concrete stockpiles at the Site to a Toxic Substances Control Act (TSCA) licensed landfill is an acceptable alternative. As a result, the SIDP has been revised accordingly and has been re-submitted.

"Cleanup Level(s): Please provide the PCB cleanup levels that were used to drive the recent remedial activities (i.e., the excavations and scarification of concrete)."

It was the initial intent of the UST closure to implement the removal of impacted soil to below at least 1 milligram per kilogram (mg/kg or parts per million) total PCBs, or the current NJDEP Residential Direct Contact Soil Remediation Standard (RDC SRS) and Impact to Groundwater Soil Screening Level (IGW SSL) of 0.2 mg/kg total PCBs if it could be met.

It became apparent after the re-excavation of the UST AOC in February 2012, that this was unachievable and that a different approach would be necessary. While a self-implemented high (10 mg/kg total PCBs) or low occupancy (25 mg/kg total PCBs) cap was considered, and would have been desirous in terms of the ease of self implemented approval by USEPA, the surface soil samples, and subsequent subsurface samples collected in June 2014, as discussed below, do not lend themselves to that approach. Therefore, a risk-based approach has been determined to be the most cost effective approach that is still protective of human health and the environment.

"The Figures: The first two figures in the SIDP respectively provide the site location and an overall depiction of the site. However, the remaining figures represent close-up views of specific locations and it is difficult to determine where specific activities occurred on the site. Please provide information that will resolve this situation, including a figure that shows the current (post-excavation and scarification) levels of PCBs throughout the site."

Figure 3 of the SIDP also shows the entire property. Figures 4 and 5 show the initial sampling data; however, these data were rejected after receipt of the data validation reports from de Maxis Data Management Solutions (ddms) as discussed in Section 3.4.2.2 of the SIDP and below in this correspondence. Figures 6 through 9 show the most recent soil and concrete sampling locations discussed in the SIDP. Historic sample data from Building 12 was included in the June 26, 2014 electronic submission. We will keep in mind USEPA's comments in preparing figures for the RIR/RAW.

"Sample Analysis Dates: Please provide the sample analysis dates for all of the results that are presented in the SIDP. Submission of this information is required per 40 CFR 761.61 (a)(3)(i)(B)."

A copy of the electronic laboratory deliverables has been included in Appendix H of the revised SIDP. The sample analysis dates are included in this information. Please note that not all of these data have been validated at this time, but that would not alter the reporting of the laboratory's analysis date. Validation Reports received to date have been included.

"The Project Schedule: As explained in Section 3.1 of the SIDP (Site History), the text of this section states that the site is being redeveloped as a spa and that construction of a building for that purpose has commenced. Redevelopment of the site prior to resolution of the PCB contamination issues is a concern for the United States Environmental Protection Agency (EPA), since EPA may ultimately determine that remediation is required in those redeveloped areas. Therefore, the milestones of the project schedule should be represented solely in terms of duration (based on EPA's approval of the site owner's cleanup plan(s)) and not as specific dates. Furthermore, please be advised that the site owner will be proceeding at risk if redevelopment proceeds without resolution of the PCB contamination issues."

We understand the Agency's concerns about the proposed construction and the redevelopment of the site. The funding for this redevelopment could be imperiled by further delays in construction. The site owner and redeveloper were apprised of this potential concern prior to the receipt of USEPA's comments and that they are proceeding at risk.

Specific Comments:

Section 2.1 – Location and Site Characteristics

"Since the text on page 2 states that Building 12 has been demolished, please provide the analytical results of all PCB sampling as well as disposal information for this material."

Historic PCB data collected prior to case closure by NJDEP, including the concrete wall samples that were reported < 1 mg/kg total PCBs, was provided electronically with the submission made to the Agency on June 26, 2014. To our knowledge, no additional sampling of Building 12 was conducted after 1999 and prior to its demolition.

The owner reasonably relied upon this data and the entire site, unrestricted use Response Action Outcome (RAO) issued on October 27, 2010 by the Licensed Site Remediation Professional (LSRP) of record, Mr. John Gere of EnvioSciences of DE, Inc. (ESI), and NJDEP's termination of the deed notice in concluding that there were no known issues with contamination at the Alcoa Building 12 site, including the building itself. In terminating the deed notice and issuing the entire site, unrestricted use RAO the LSRP and NJDEP effectively gave the building a clean bill of health.

Section 3.1 – Site History

"Please see EPA's comment above regarding the project schedule."

Please see above response.

Section 3.3 – Prior Environmental Investigation

"The second paragraph on Page 7 discusses the initial remedial action for demolition of Building 12, and the work was apparently limited to removal of the concrete floor. Please explain if EPA was notified prior to the commencement of this work and please verify EPA's understanding that only the walls of Building 12 remained once this phase of the cleanup was completed."

USEPA was consulted by NJDEP and/or ESI, consultant for the prior owner (North River Mews Associates, LLC), regarding the October 18, 1999 RIR/RAW. Additional concrete coring samples

was conducted based on USEPA's approval dated July 30, 1999, and NJDEP's approval dated August 5, 1999. These approval letters were included in the August 2002 Remedial Action Report that was submitted to USEPA electronically on June 26, 2014. We have revised the text of the SIDP address EPA's comments. A copy of these documents is included with this submission.

"The third paragraph on Page 7 states that certain areas of exterior walls on the West Lot became unstable and fell. Please identify the building that the text is referring to. This material was apparently stored on a tarp inside Building 12, sampled and disposed offsite. Please also provide the analytical results of all PCB sampling of this material as well as the disposal information."

The former Alcoa Building 12 occupied both the now sub-divided east and west lots. A portion of Building 12 on the west lot, Lot 1.02A, was demolished in 2010 to construct the affordable residential housing. As discussed in the text of the SIDP, it was a portion of Building 12 on the west lot, lot 1.02A, which collapsed and was temporarily staged in the building prior to sampling and off-site disposal. A copy of the correspondence and sampling data has been included electronically with the revised SIDP.

The remaining portion of Building 12 on Lot 1.02B was included in the sampling plan for the walls approved by USEPA on July 30, 1999. The balance of the remaining building on the east lot, Lot 1.02B, was not resampled as the owner did not believe that the building was impacted following the NJDEP's concurrence in terminating the deed notice on the building and the unrestricted use RAO issued by the LSRP, Mr. Gere, on October 27, 2010.

"The text on the bottom of Page 7 and the top of Page 8 discusses the termination of the Deed Notice for Building 12. Please explain if EPA was notified of this action."

We are not aware of whether or not EPA was notified of this action by NJDEP or ESI.

Section 3.4.2.1 -October 2013 Underground Storage Tank (UST) Closure

"The text on Page 9 refers to oil "that had been inadvertently removed from the site." Please explain the circumstances of this occurrence (e.g., the amount of oil, where the oil was transported, etc.)."

The demolition contractor, Waterside Construction, LLC, filled two 250 gallon poly totes with PCB contaminated No. 4 fuel oil from the Site and transported the totes to their yard. When reported, these totes were immediately quarantined, emptied, cleaned, and the fuel oil and totes were transported for incineration. This paragraph has been revised for clarity.

"Since the text states that the USTs were cut up and disposed off-site as scrap, please describe the decontamination procedures that were implemented prior to the off-site disposal."

Once the No. 4 fuel oil contaminated with PCBs had been cut with diesel fuel to lower the viscosity by the contractor retained specifically to perform the decontamination of the USTs, Environmental Waste Minimization, Inc. (EWMI), a vacuum truck was used to remove the fuel oil from the USTs. EWMI utilized a pressure washer to decontaminate the UST shell. Waste water was also removed from the USTs by EWMI using the vacuum truck and containerized for off-site disposal. This paragraph has been revised for clarity.

Section 3.4.2.2- November 2013 Soil Excavation

"The text of the second paragraph on Page 10 refers to the discovery of a "massive former concrete foundation structure." Please provide the physical dimensions and the condition of this structure."

The "massive concrete structure," is shown in Figures 4, 5A, and 6-9, and is located across the Site near the western boundary and demarked the back wall of the basement. It may have been a subsurface structural grade beam. It measures approximately 11 feet wide by 150 feet long by 4

feet thick. The structure was in good conditions, i.e. undamaged by demolition, but was visibly stained by the UST release; these stains were removed and sampled. This paragraph has been revised.

"The text in the second paragraph on Page 10 also refers to soils being placed against a sidewall to shore up an excavation area. Please describe the source of the soils (and their PCB concentrations) that were used for this purpose."

Following the demolition of the building, the western edge of the property was excavated to attain the final grade depth. During the excavation of the USTs, this resulted in a potentially hazardous situation because the back wall of the excavation was apparently not sloped or shored by the redeveloper's contractor according to Occupational Safety and Health Administration excavation safety standards, e.g., 29 CFR 1926.650-652. The redeveloper's contractor subsequently constructed a block wall at the western edge of the property at the rear of the UST excavation. The void space behind this wall against native soils was backfilled with soil from the site. These soils have been presumed to have been impacted and were investigated as part of the soil boring installed June 26, 2014. Preliminary data have been received and is being validated by ddms. The validated results will be reported with the balance of the soil boring program in the RIR/RAW.

"This section of the SIDP discusses the rejection of post-excavation sample results during the data validation process. The reason provided for the data rejection is that the results "were found to be outside of acceptable quality control standards." Since we do not fully understand the rationale for the data rejection, please provide a list of the quality control standards with the respective exceedances."

A number of significant data quality issues were identified by ddms during their validation of the Test America laboratory deliverables (a NJDEP and NAVLAP certified laboratory for PCBs). In their February 19, 2014 correspondence, ddms concluded:

"After several communications with the laboratory, data quality concerns remain. Sound laboratory practices have not been instituted as evidenced by the Field Blank preparation. Misidentification of aroclor-specific peaks due to substantial RT shifts may have resulted in the misidentification of aroclors present on the site and/or inaccurate concentrations reported. Inconsistent units were documented for the reactive cyanide and reactive sulfide analysis results. Overall, the laboratory has been non-responsive. Integrity of the data is questionable. Based on the data provided in the revised data packages as well as the responses from the laboratory, it is the opinion of the ddms data validators that the PCB data and the reactive cyanide and reactive sulfide data, as reported, are not defensible data."

Because the laboratory would not, or could not, correct the numerous deficiencies, the data were determined to be unreliable and were rejected after a significant effort to make as much data usable as possible. A copy of the laboratory deliverables and the data validation reports prepared by ddms will be provided by in the RIR/RAW. Accutest Laboratories, Inc., a NJDEP and NAVLAP certified laboratory for the analysis of PCBs using TSCA required methodology, has been retained for analytical laboratory services subsequently and the data will continue to be subjected to formal validation by ddms.

Section 3.4.2.3 -February 2014 Soil Excavation

"The text at the top of Page 11 states that a large portion of the UST excavation had been backfilled but needed to be re-excavated. Please provide the source of the backfill as well as the results of all PCB sampling of this material."

The redeveloper's contractor utilized the contaminated soil stockpile from the UST excavation as backfill for the excavation while PEC was not present at the Site. This soil, was heavily

contaminated from the UST discharge, but the analytical data collected from the initial post excavation sample are not reliable and were rejected as discussed above. Therefore, it is impossible to state accurately the PCB concentration of this backfill material but this impacted backfill was subsequently re-excavated in February-March 2014 and post-excavation samples were taken from the area re-excavated. This paragraph has been revised.

"The second paragraph on Page 11 discusses the discovery of two sets of product supply/return lines, and states that further investigation of the piping was deferred pending completion of on-site activities. Please provide the current status of this piping, as we believe it could re-contaminate areas previously excavated."

The two sets of suspected product supply and return lines were drained of a small quantity of liquids using adsorbent pads and crimped during the UST closure, but the unsafe conditions of the western property edge wall as discussed above, precluded further access. The piping was traced onto the adjoining property following the UST closure using an electromagnetic survey. Six soil borings were installed adjacent to the two pipes in June 2014, and the preliminary results have been received that indicate a discharge from the piping has not occurred; however, the data are still being validated. These activities will be reported in full in the Remedial Investigation Report / Remedial Action Report. This paragraph has been revised.

"The fourth paragraph on Page 11 discusses the release of water (previously in contact with an oily product) through a repaired drain line. Please provide the PCB sampling results of the water prior to discharge and please describe the discharge point for the drain line."

The redeveloper's contractor drained water from a broken stormwater pipe that entered the UST excavation into the storm drain on Vreeland Avenue during PEC's absence from the Site. PEC was not present during this work and is reviewing whether any sampling was done and the discharge point. Additional findings will be reported in the RIR/RAW. This paragraph has been revised.

"The text of this section also discusses the scarification of the subsurface structure. We do not know if the sample results presented in Figure 9 represent the post-scarification PCB sampling results. Please clarify this ambiguity and please provide these sampling results if they are not presented in the SIDP."

Figure 9 represents the post scarification sample results for total PCBs.

Section 3.4.2.4 -March 2014 Soil Excavation & Concrete Foundation Remediation

"Please clarify the statement, presented in the last paragraph on Page 13, that "the concrete was cleaned as much as possible." As requested above, please provide the PCB cleanup level that was used for the remediation of the concrete."

The concrete was chipped and/or scarified to remove obvious staining. Concrete samples were collected as discussed above and the results will be evaluated using the risk based approach.

"The text in the last paragraph on Page 13 also refers to soil removal down to bedrock. Please provide the post excavation sampling results that show the level of PCBs remaining in the bedrock. Furthermore, please explain whether any oil or other product was observed at the top of the bedrock."

Soil was removed to bedrock in some areas that precluded the collection of soil samples. These sample locations are provided in Appendix A of the SIDP. Indications of oil or other product was not observed on the bedrock.

"Please resolve the typographical error present at the bottom of Page 13 as "Error! Reference source not found."

This cross-reference to Appendix A has been repaired in the revised SIDP.

Section 3.4.4 - Disposal Characterization Sampling

"Under the Toxic Substances Control Act, PCB-contaminated material that is regulated for disposal must be disposed based on the in-situ, or as-found, concentrations. Material cannot be disposed based on the sampling of stockpiled material, since the process of excavation and stockpiling could dilute the PCB concentrations."

We understand the TSCA requirements for disposal based on in-situ concentrations of PCBs. Our proposal in the SIDP assumed that the entire stockpile exceeded the ≥ 50 mg/kg threshold and was, therefore, a TSCA regulated bulk remediation waste and was not intended to suggest that the stockpiles could be segregated into different disposal options. Composite samples of the stockpile were collected to certify that the contents were not also RCRA hazardous waste and to meet the permit requirements of the TSCA and/or RCRA based disposal facilities.

Our SIDP requests USEPA's approval to categorize any future bulk remediation wastes requiring off-site disposal based on the in-situ concentrations as provided in the SIDP and the RIR/RAW that is being prepared.

Section 3.4.5.1 - Soil Delineation

"While we understand that the first Area of Concern (AOC-1) pertains to the two 20,000-gallon USTs, we are unclear as to the location and extent of AOC-2. Therefore, please provide a figure depicting the proposed soil delineation activities."

Because the former Building 12 structure encompassed the entirety of Block 74 lots 1.02 B, AOC 2 has been designated to include the former building footprint. AOC 2 represents the entire property as shown on Figures 2 and 3.

"The text explains that further soil investigations will be conducted as needed. Please explain the circumstances that would require additional soil investigations."

The remedial investigation is an iterative process. In order to delineate the extent of the PCB impacts and identify potential receptors, additional soil samples may be necessary. For examples, samples exceeding the 0.5 mg/kg NJDEP RDC SRS and IGW SSL at the perimeter of the investigated area will require the collection of additional samples to demonstrate the edge of the impacted area. Any additional soil sampling will be reported in the RIR/RAW.

Section 3.4.5.2 - Groundwater

"Please clarify whether low-flow sampling procedures will be used to collect groundwater samples. Additionally, please note that per 40 CFR 761.79(b)(1)(iii), the decontamination level for unrestricted use of water is 0.5 parts per billion."

The recently completed field event in June 2014 included the collection of three groundwater samples from temporary well points. The yield from these three well points was very limited, only

several inches of water were available in each point. The volumes of water would not have even supported low flow purging of groundwater perched on the bedrock. Samples were collected with a bailer and field filtered with a 0.45 µm filter to remove turbidity. Preliminary data indicates that the PCBs were not detected, and the reporting limits are below the 0.5 µg/l TSCA decontamination level and NJDEP Class II-A Groundwater Quality Standard. These data will be validated upon the receipt of the laboratory deliverables and reported in the Remedial Investigation Report – Remedial Action Workplan.

Should future groundwater sampling events be necessary, low flow purging and sampling will be utilized if feasible.

"The text explains that additional investigation activities will be recommended as warranted. Please explain the circumstances that would require additional investigations."

The evaluation of the migration to groundwater pathway is still on-going and, as noted above, three temporary well point samples were recently collected and submitted for laboratory analysis. A determination of whether any additional investigation is required will be made based on the validated laboratory results. If additional investigation is indicated, e.g., the groundwater data indicates the presence of PCBs at > 0.5 µg/l, then that work will occur in the future and the RIR/RAW will be amended.

Section 3.5 - Proposed Risk Assessment

"This section of the SIDP appears to be written with the assumption that EPA will approve a risk-based cleanup approach for the site. Please be aware that EPA's approval of a risk based cleanup is not a forgone conclusion. If PCBs remain on the site above the self implementing levels of 40 CFR 761.61(a), then it must be clearly demonstrated, through submission of an application under 40 CFR 761.61(c), that the remaining PCBs do not present an unreasonable risk to human health or the environment."

The purpose of this section of the SIDP was to advise USEPA that this was the approach that we were pursuing, and not to seek approval for a document that had not yet been submitted. Rather, we are advising USEPA of the approach to facilitate a discussion of technical issues that may arise and where additional information or guidance may be necessary. A robust risk assessment evaluating the potential and completed exposure pathways is being prepared using USEPA's current guidance. We understand that USEPA's approval of the proposed risk based cleanup is not guaranteed.

Section 3.6.1- Interim Remedial Measure (IRM)

"Please provide a figure showing the location of the IRM and please explain if the intention is to incorporate the IRM into a final remedy."

The IRM will be installed across all of AOC 2, e.g. the entire property, Block 74 Lot 1.02B, as shown on Figure 2 and Figure 3.

The IRM will be included in the final remedy, and will remain beneath the proposed six inch thick concrete floor as additional level of engineering controls (and institutional controls) beyond the minimum TSCA requirement. As such, it will appear on the figures in the RIR/RAW both horizontally and in cross section. This text has been revised.

"If the IRM is to be eventually removed then please describe how the material will be disposed."

The IRM will be a permanent part of the final concrete cap and will sit immediately below the concrete. It will not be removed unless additional remediation is required by USEPA, in which case, it will be reinstalled.

"Please also provide documentation that the crushed stone is from a virgin source."

"...the geotextile is being covered by approximately six inches of crushed stone from a virgin quarry source." Copies of the source documentation and delivery tickets will be provided in the RIR/RAW that will detail the complete installation of the IRM according to the schedule proposed in Appendix G of the SIDP.

"Please note that, as stated above, EPA does not approve remedial actions that have already been implemented."

So noted.

Section 3.6.2 - Waste Disposal

"As explained above, the disposal (or reuse) of PCB contaminated material must be determined based on the in-situ, or as-found, sampling results. If this type of sampling was not performed, then all of the stockpiles must be disposed either: in accordance with 40 CFR 761.61(b); or under a self-implementing approval issued by EPA under 40 CFR 761.61(a) with the assumption that all of the stockpiles contain PCBs at levels equal to or greater than 50 parts per million."

The initial and revised SIDP both propose to use the assumption that the stockpiled material is \geq 50 mg/kg PCBs, and does not segregate the stockpiled materials.

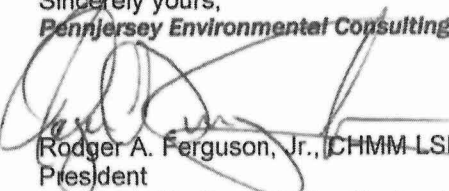
Section 3.6.3 -Engineering Controls and Section 3.6.4- Institutional Controls

"Since the final cleanup levels for the site have not been proposed, EPA cannot approve the activities described in these sections."

The SIDP was not seeking approval for these activities, but was informing USEPA of our scope of activities. The final cleanup levels derived from the risk assessment and the details related to the proposed engineering controls will be detailed in the RIR/RAW.

Thank you for your attention to this matter. Should you have any questions or comments, please feel free to contact me at (908) 329-6060 or rferguson@pennjerseyenv.com.

Sincerely yours,
Pennjersey Environmental Consulting



Rodger A. Ferguson, Jr., CHMM-LSRP
President
Licensed Site Remediation Professional No. 573794

Enc.

Mr. John Gorman
July 18, 2014
Page 10

Cc: Mr. Fred Daibes
Mr. Berek Don
Mr. Matt Vereb
38 COAH Associates, LLC

Mr. Patrick Papalia Esq.
Mrs. Debra S. Rosen, Esq.
Archer & Greiner, P.C.

Mr. Kevin Schick
NJ Department of Environmental Protection

Nancy L. Mangieri, Director
Bergen County Department of Health Services



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
EDISON, NEW JERSEY 08837

JUN 27 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 70010320000477888070

Mr. Rodger A. Ferguson, Jr., CHMM, LSRP
President
Pennjersey Environmental Consulting
326 Willow Grove Road
Stewartsville, New Jersey 08886-3102

Re: Former Alcoa Building 12 Property, Edgewater, New Jersey

Dear Mr. Ferguson:

This is in response to your May 30, 2014 correspondence transmitting the document entitled "Self Implemented Disposal Plan" (SIDP) for the former Alcoa Building 12 property located at 660 River Road in Edgewater, New Jersey (the Site). Please be advised that the United States Environmental Protection Agency (EPA) has reviewed the SIDP and comments pertaining to the document are enclosed.

EPA is concerned that cleanup activities occurred on the Site without prior Agency approval and that redevelopment of the Site continued after discovery of the polychlorinated biphenyl (PCB) contamination. EPA may ultimately determine that remediation is required in those redeveloped areas and as such the redevelopment proceeds at risk.

Based on EPA's review the Agency cannot, at this time, issue an approval for the cleanup and disposal of material contaminated with PCBs. However, EPA will reevaluate its position upon receipt of a written response to the aforementioned comments.

Should you have any questions concerning this matter, please contact James S. Haklar at (732) 906-6817 or at haklar.james@epa.gov.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "James S. Haklar for".

John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosure

cc: Fred Daibes, 38 COAH Associates, LLC
Matthew Vereb, 38 COAH Associates, LLC
Kevin Schick, New Jersey Department of Environmental Protection

**Comments Regarding the May 23, 2014 Self Implemented Disposal Plan (SIDP)
For Former Alcoa Building 12
660 River Road, Edgewater, New Jersey**

General Comments

Submission of the Notification: Please clarify whether the SIDP was provided to the New Jersey Department of Environmental Protection and the local environmental protection agency (such as the Bergen County Department of Health Services). Notification of state and local environmental agencies is required per 40 CFR 761.61(a)(3)(i).

Scope of the SIDP: The SIDP discusses a number of remedial activities and it is difficult to understand what activities the site owner is seeking approval for. While the Executive Summary indicates that approval is being requested for the off-site disposal of polychlorinated biphenyl (PCB) contaminated material, there are other activities identified in the SIDP (such as implementation of an interim remedial measure, future characterization sampling, and development of a risk-based PCB cleanup and disposal application) for which it appears that approval is indirectly being sought. Please provide clarification with regard to the remedial activities for which the site owner is requesting EPA approval at this time. Please be aware that, with the exception of characterization sampling, EPA does not issue "after-the-fact" approvals for remedial actions that have already occurred.

Cleanup Level(s): Please provide the PCB cleanup levels that were used to drive the recent remedial activities (i.e., the excavations and scarification of concrete).

The Figures: The first two figures in the SIDP respectively provide the site location and an overall depiction of the site. However, the remaining figures represent close-up views of specific locations and it is difficult to determine where specific activities occurred on the site. Please provide information that will resolve this situation, including a figure that shows the current (post-excavation and scarification) levels of PCBs throughout the site.

Sample Analysis Dates: Please provide the sample analysis dates for all of the results that are presented in the SIDP. Submission of this information is required per 40 CFR 761.61(a)(3)(i)(B).

The Project Schedule: As explained in Section 3.1 of the SIDP (Site History), the text of this section states that the site is being redeveloped as a spa and that construction of a building for that purpose has commenced. Redevelopment of the site prior to resolution of the PCB contamination issues is a concern for the United States Environmental Protection Agency (EPA), since EPA may ultimately determine that remediation is required in those redeveloped areas. Therefore, the milestones of the project schedule should be represented solely in terms of duration (based on EPA's approval of the site owner's cleanup plan(s)) and not as specific dates.

Furthermore, please be advised that the site owner will be proceeding at risk if redevelopment proceeds without resolution of the PCB contamination issues.

Specific Comments:

Section 2.1 – Location and Site Characteristics:

- Since the text on Page 2 states that Building 12 has been demolished, please provide the analytical results of all PCB sampling as well as the disposal information for this material.

Section 3.1 – Site History:

- Please see EPA's comment above regarding the project schedule.

Section 3.3 – Prior Environmental Investigations:

- The second paragraph on Page 7 discusses the initial remedial action for demolition of Building 12, and the work apparently was limited to removal of the concrete floor. Please explain if EPA was notified prior to commencement of this work, and please verify EPA's understanding that only the walls of Building 12 remained once this phase of the cleanup was completed.
- The third paragraph on Page 7 states that certain areas of exterior walls on the West Lot became unstable and fell. Please identify the building that the text is referring to. This material was apparently stored on a tarp inside Building 12, sampled and disposed off-site. Please also provide the analytical results of all PCB sampling of this material as well as the disposal information.
- The text on the bottom of Page 7 and the top of Page 8 discusses the termination of the Deed Notice for Building 12. Please explain if EPA was notified of this action.

Section 3.4.2.1 – October 2013 Underground Storage Tank (UST) Closure:

- The text on Page 9 refers to oil "that had been inadvertently removed from the site." Please explain the circumstances of this occurrence (e.g., the amount of oil, where the oil was transported, etc.).
- Since the text states that the USTs were cut up and disposed off-site as scrap, please describe the decontamination procedures that were implemented prior to the off-site disposal.

Section 3.4.2.2 – November 2013 Soil Excavation:

- The text of the second paragraph on Page 10 refers to the discovery of a “massive former concrete foundation structure.” Please provide the physical dimensions and the condition of this structure.
- The text in the second paragraph on Page 10 also refers to soils being placed against a sidewall to shore up an excavation area. Please describe the source of the soils (and their PCB concentrations) that were used for this purpose.
- This section of the SIDP discusses the rejection of post-excavation sample results during the data validation process. The reason provided for the data rejection is that the results “were found to be outside of acceptable quality control standards.” Since we do not fully understand the rationale for the data rejection, please provide a list of the quality control standards with the respective exceedances.

Section 3.4.2.3 – February 2014 Soil Excavation:

- The text at the top of Page 11 states that a large portion of the UST excavation had been backfilled but needed to be re-excavated. Please provide the source of the backfill as well as the results of all PCB sampling of this material.
- The second paragraph on Page 11 discusses the discovery of two sets of product supply/return lines, and states that further investigation of the piping was deferred pending completion of on-site activities. Please provide the current status of this piping, as we believe it could re-contaminate areas previously excavated.
- The fourth paragraph on Page 11 discusses the release of water (previously in contact with an oily product) through a repaired drain line. Please provide the PCB sampling results of the water prior to discharge and please describe the discharge point for the drain line.
- The text of this section also discusses the scarification of the subsurface structure. We do not know if the sample results presented in Figure 9 represent the post-scarification PCB sampling results. Please clarify this ambiguity and please provide these sampling results if they are not presented in the SIDP.

Section 3.4.2.4 – March 2014 Soil Excavation & Concrete Foundation Remediation:

- Please provide the PCB cleanup level that was used for remediation of the concrete.

Section 3.4.2.5 – May 2014 Soil Excavation:

- Please clarify the statement, presented in the last paragraph on Page 13, that “the concrete was cleaned as much as possible.” As requested above, please provide the PCB cleanup level that was used for the remediation of the concrete.
- The text in the last paragraph on Page 13 also refers to soil removal down to bedrock. Please provide the post excavation sampling results that show the level of PCBs remaining in the bedrock. Furthermore, please explain whether any oil or other product was observed at the top of the bedrock.
- Please resolve the typographical error present at the bottom of Page 13 as “Error! Reference source not found.”

Section 3.4.4 – Disposal Characterization Sampling:

- Under the Toxic Substances Control Act, PCB-contaminated material that is regulated for disposal must be disposed based on the in-situ, or as-found, concentrations. Material cannot be disposed based on the sampling of stockpiled material, since the process of excavation and stockpiling could dilute the PCB concentrations.

Section 3.4.5.1 – Soil Delineation:

- While we understand that the first Area of Concern (AOC-1) pertains to the two 20,000-gallon USTs, we are unclear as to the location and extent of AOC-2. Therefore, please provide a figure depicting the proposed soil delineation activities.
- The text explains that further soil investigations will be conducted as needed. Please explain the circumstances that would require additional soil investigations.

Section 3.4.5.2 – Groundwater

- Please clarify whether low-flow sampling procedures will be used to collect groundwater samples. Additionally, please note that per 40 CFR 761.79(b)(1)(iii), the decontamination level for unrestricted use of water is 0.5 parts per billion.
- The text explains that additional investigation activities will be recommended as warranted. Please explain the circumstances that would require additional investigations.

Section 3.5 – Proposed Risk Assessment:

- This section of the SIDP appears to be written with the assumption that EPA will approve a risk-based cleanup approach for the site. Please be aware that EPA's approval of a risk-based cleanup is not a forgone conclusion. If PCBs remain on the site above the self-implementing levels of 40 CFR 761.61(a), then it must be clearly demonstrated, through submission of an application under 40 CFR 761.61(c), that the remaining PCBs do not present an unreasonable risk to human health or the environment.

Section 3.6.1 – Interim Remedial Measure (IRM):

- Please provide a figure showing the location of the IRM and please explain if the intention is to incorporate the IRM into a final remedy.
- If the IRM is to be eventually removed then please describe how the material will be disposed.
- Please also provide documentation that the crushed stone is from a virgin source.
- Please note that, as stated above, EPA does not approve remedial actions that have already been implemented.

Section 3.6.2 – Waste Disposal:

- As explained above, the disposal (or reuse) of PCB contaminated material must be determined based on the in-situ, or as-found, sampling results. If this type of sampling was not performed, then all of the stockpiles must be disposed either: in accordance with 40 CFR 761.61(b); or under a self-implementing approval issued by EPA under 40 CFR 761.61(a) with the assumption that all of the stockpiles contain PCBs at levels equal to or greater than 50 parts per million.

Section 3.6.3 – Engineering Controls and Section 3.6.4 – Institutional Controls:

- Since the final cleanup levels for the site have not been proposed, EPA cannot approve the activities described in these sections.

Haklar, James

From: Rodger Ferguson <rferguson@pennjerseyenv.com>
Sent: Thursday, June 19, 2014 9:45 PM
To: Haklar, James
Cc: Berek Don; Fred Daibes; Matt Vereb
Subject: 660 River Road, Edgewater SIP
Attachments: 20140530 ALCOA Bldg 12 SIP.pdf

Jim:

Thank you for returning my telephone call this morning, it was a pleasure to have spoken with you regarding the project and our submission. As you requested, I have attached an electronic copy of our Self Implemented Disposal Plan for your review.

As we discussed, our client, 38 COAH Associates, LLC, is specifically requesting the Agency's approval to remove the approximately 3,000 tons of PCB remediation waste to a RCRA Subtitle C facility. In addition, we would appreciate your concurrence that the completion of the interim remedial measure currently under construction and as proposed in the SIP, while a variance to the typical protocol, is an appropriate step to be protective of human health and the environment. We are prepared to proceed at peril in the to complete IRM. We will also provide you with copies of the documents requested during Monday's site inspection when those have been assembled as requested.

Please feel free to contact me directly should you have any additional questions concerning this submission. If it is a help, I would be glad to come to your office at your convenience to discuss the matter in more detail.

Thanks,

Rodger

Rodger A. Ferguson, Jr., CHMM, LSRP
President
PennJersey Environmental Consulting
326 Willow Grove Road
Stewartsville, NJ 08886-3102
(908) 329-6060 office
(609) 706-1141 cell
rferguson@pennjerseyenv.com
www.pennjerseyenv.com

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Haklar, James

From: Rodger Ferguson <rferguson@pennjerseyenv.com>
Sent: Friday, April 18, 2014 5:46 PM
To: Mike Acker; Jay Sub; Matt Vereb; fdaibes@daibes.com; William Call
Cc: David Pohwat; Arlene Stephens; Deidre Fox; Kevin Benbrook Esq. ;
'kurt.scott@veolia.com'; 'Kevin.anderson@veolia.com'; 'ryan.cruts@veolia.com'; Chip
Heister; Greg Inman; Tim David; 'rlodato@daibes.com'; 'mmcmanus@daibes.com'; John
Forsyth; Fred Daibes; Debra S. Rosen, Esq.; 'Edward Lentz'; Haklar, James
Subject: RE: Former ALCOA Site Manifests
Attachments: 20140418 Former Alcoa Bldg 12 - USEPA Revised Exception Report.pdf
Importance: High

Mike:

We are not going to discuss the matter by telephone.

We have been discussing the manifests from the former ALCOA site for months now, so this should not be a surprise. Our actions were taken to protect our client's interests as provided by USEPA regulations. We find it laughable, and a gross misinterpretation of USEPA regulations, that the polychlorinated biphenyl (PCB) waste manifests signed by the USEPA permitted commercial storer or disposer are either confidential or owned by EWMI when they will become a matter of public record available via a Freedom of Information Act request to USEPA and/or an Open Public Record Act request to NJDEP. Because we had not received an appropriate response from EWMI, we rightfully contacted the storer/disposer, Veolia Environmental Services (Veolia), to explain our client's the situation and request a copy of the signed manifests. Veolia was helpful, but declined to provide the signed copies that were in their possession. Veolia did, however, confirm that a) they had in fact received the PCB wastes at their Fort Arthur, TX facility, and b) transmitted the signed manifests to EWMI.

USEPA's regulations under the Toxic Substances and Control Act (TSCA) for the disposal of PCB wastes specify the following with respect to the manifest being returned to the generator at 40 CFR 761.208(a) regarding the manifests:

(4) When a generator has employed an independent transporter to transport the PCB waste to a commercial storer or disposer, the generator shall confirm by telephone, or by other means of confirmation agreed to by both parties, that the commercial storer or disposer actually received the manifested waste. The generator shall confirm receipt of the waste by close of business the day after he receives the manifest hand-signed by the commercial storer or disposer, in accordance with paragraph (c)(1)(iv) of this section. ***If the generator has not received the hand-signed manifest within 35 days after the independent transporter accepted the PCB waste, the generator shall telephone, or communicate with by some other agreed-upon means, the disposer or commercial storer to determine whether the PCB waste has actually been received.*** [emphasis added] If the PCB waste has not been received, the generator shall contact the independent transporter to determine the disposition of the PCB waste. If the generator has not received a hand-signed manifest from an EPA-approved facility within 10 days from the date of the telephone call or other agreed upon means of communication, to the independent transporter, the generator shall submit an exception report to the EPA Regional Administrator for the Region in which the generator is located, as specified in § 761.215. The generator shall retain a written record of all telephone or other confirmations to be included in the annual document log, in accordance with § 761.180.

With respect to the storer or disposer's responsibilities, these requirements at 40 CFR 761.208(c)r read:

- (c)(1) If a commercial storage or disposal facility receives an off-site shipment of PCB waste accompanied by a manifest, the owner or operator, or his agent, shall:
- (i) Sign and date each copy of the manifest to certify that the PCB waste covered by the manifest was received.
 - (ii) Note any significant discrepancies in the manifest (as defined in § 761.210(a)(1)) on each copy of the manifest.
 - (iii) Immediately give the transporter at least one copy of the signed manifest.
 - (iv) *Within 30 days after the delivery, send a copy of the manifest to the generator.*** [Emphasis added]
 - (v) Retain a copy of each manifest among the facility's records in accordance with § 761.209(d).

Not returning the hazardous waste manifest signed by the commercial storer or disposer back to the large quantity generator within 35 days is clearly a violation of USEPA regulations, and nowhere in those regulations does USEPA state that the arranger/broker/transporter/storer/disposer may withhold the signed manifests or the certificate of destruction from the generator pending payment. As a result, in order to protect our client's interests, we filed the exception report as provided by rule. Pennjersey Environmental Consulting (PEC), and our client(s), Daibes Enterprises, Waterside Construction, LLC, or 38 COAH Associates, LLC, bear no responsibility for any fines, penalties or enforcement actions that may be incurred from USEPA or NJDEP related to this matter. Thus, any damages, incurred are EWMI's, and EWMI's alone, because of your decision to withhold the signed manifests from our client contrary to USEPA regulations. PEC and our clients are not subject to any contractual obligations between EWMI and Veolia.

We note that our initial exception report dated April 14, 2014 was inadvertently submitted using the Resource Conservation and Recovery Act (RCRA) regulatory citation, and not the correct TSCA citation, 40 CFR 761.215. The two requirements, however, are essentially identical. Please be advised that we are going to immediately re-submit the exception report using the appropriate citation. An electronic courtesy copy has been attached.

We note that on several occasions prior to the execution of the proposal, EWMI was requested that PEC was not part to the contract, and should be removed from the address line, yet EWMI did not honor that request. In any event, and as we have informed you in writing, PEC was not party to this contract, and as evidenced by the copy marked "FINAL" forwarded by Jay Sub in his email dated April 14, 2014, you are directed to the execution of said contract and will find that it was not executed, endorsed, or otherwise approved by an officer or principal of PEC. Furthermore, the "FINAL" proposal executed on December 4, 2013, does not provide any mention of the manifests signed by the commercial storer or disposer being withheld pending receipt of payment. It is customary to provide proof that the work has been completed, e.g., the manifests signed by the commercial storer or disposer, prior to the payments being approved. The invoicing discrepancies encountered with this project that were subject to many previous discussions were provide the context as to why proof of receipt of the PCB waste by the commercial storer or disposer was requested by our client.

Rodger

Rodger A. Ferguson, Jr., CHMM, LSRP
President
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From: Mike Acker [mailto:macker@ewmi-info.com]

Sent: Thursday, April 17, 2014 12:09 PM

To: Rodger Ferguson; Jay Sub; Matt Vereb; fdaibes@daibes.com; William Call

Cc: David Pohwat; Arlene Stephens; Deidre Fox; Kevin Benbrook Esq. ; 'kurt.scott@veolia.com'; 'Kevin.anderson@veolia.com'; 'ryan.cruts@veolia.com'; Chip Heister; Greg Inman; Tim David; 'rlodato@daibes.com'; 'mmcm Manus@daibes.com'; 'Edward Lentz'; John Forsyth

Subject: RE: Message from "RNP00267336BC62"

Rodger,

This is Mike Acker the President of EWMI. I called both you and William earlier this week once I received copy of a letter you sent to the EPA. I was calling because I take issue with your firm contacting an EWMI subcontractor (VEOLIA) to obtain information about this project when EWMI has not been paid by the client yet. EWMI is your point of contact. Information about this waste is the property of EWMI until EWMI is paid. Once EWMI is paid, we will immediately release all information and documentation to you and the client. Did William call anyone at EWMI to request permission to call VEOLIA to discuss this waste? If so please advise me. As a result of this letter to the EPA disclosing information "owned" by EWMI without our permission along with the contacting of our subcontractor around us, I do consider you as a part of this process and I requested that you be included in the e-mail. EWMI, if necessary, intends to vigorously protect and defend our interests. Hopefully no damage has been done and hopefully we receive payment and this ends Monday.

Hopefully EWMI will be paid in accordance with the signed contracts we have in place by Monday April 28th. This will certainly end any potential for this case proceeding past this current stage of e-mails and attempted calls that I have made to you and to several people at Daibes. It is my wish to close this out Monday, to provide the documentation from VEOLIA, and for all parties to move on. I continue to be hopeful.

Any and all future correspondence between now and the end of the day Monday should be directed to me at the above e-mail address. I left you and the other parties at Daibes my office phone number and cell phone number earlier this week.

Regards

Mike Acker
President EWMI
484-275-6900 Office
484-357-2824 Cell

From: Rodger Ferguson [mailto:rferguson@pennjerseyenv.com]

Sent: Wednesday, April 16, 2014 12:48 PM

To: Jay Sub; Matt Vereb; fdaibes@daibes.com; William Call

Cc: Mike Acker; David Pohwat; Arlene Stephens; Deidre Fox; Kevin Benbrook Esq.

Subject: RE: Message from "RNP00267336BC62"

Importance: High

Gentlemen:

Remove myself, Bill Call, and Pennjersey Environmental Consulting from this email thread. We are not party to the contract with Waterside Construction per EWMI's admission.

Rodger

Rodger A. Ferguson, Jr., CHMM, LSRP
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From: Jay Sub [<mailto:jsub@ewmi-info.com>]
Sent: Wednesday, April 16, 2014 11:55 AM
To: Matt Vereb; fdaiibes@daibes.com; Rodger Ferguson; William Call
Cc: Mike Acker; David Pohwat; Arlene Stephens; Deidre Fox
Subject: Fwd: Message from "RNP00267336BC62"

Gentlemen, I am just trying to reach out to you again after many attempts to collect the final payment due of \$57,497.28. I have attached again the financial commitment letter/proposal signed and initialed by Matt on 12/04/13 and a copy of the Personal Guarantee for Payment signed by Fred. At this point EWMI is requesting a check for full payment delivered to our office by Monday 4/21/14. Please provide some response to this request via email or in writing and of course I can be reached on my cell at 484-788-2304 Thank you.

Sincerely,
Jay Sub -

EWMI/RRI.

Sent from my iPhone

Begin forwarded message:

From: "copier@ewmi-info.com" <copier@ewmi-info.com>
To: "Deidre Fox" <dfox@ewmi-info.com>, "Arlene Stephens" <astephens@ewmi-info.com>, "Mike Acker" <macker@ewmi-info.com>, "Jay Sub" <jsub@ewmi-info.com>, "David Pohwat" <dpohwat@ewmi-info.com>
Subject: Message from "RNP00267336BC62"

This E-mail was sent from "RNP00267336BC62" (Aficio MP C5501A).

Scan Date: 04.16.2014 10:52:01 (-0400)
Queries to: copier@ewmi-info.com



Pennjersey Environmental Consulting

326 Willow Grove Road, Stewartville, NJ 08886-3102
(908) 329-6060 www.pennjerseyenv.com

April 18, 2014

United States Environmental Protection Agency
Region 2 – Main Regional Office
290 Broadway
New York, New York 10007-1866

ATTN: Ms. Judith A. Enck, Administrator

**RE: Revised PCB Waste Exception Report per 40 CFR 761.215
Former Power Plant – Building 12
Former Alcoa Facility
660 River Road
Block 74, Lot 1.02
Borough of Edgewater, Bergen County, New Jersey
NJDEP Program Interest #023713**

Dear Ms. Enck,

Pennjersey Environmental Consulting (PEC) is contacting your agency on behalf of the site owner and generator, 38 COAH Associates LLC, to submit an Exception Report for the polychlorinated biphenyl wastes from the aforementioned site. This submission revises our correspondence to correct the regulatory citation in the third paragraph.

Following the cleanout of two 20,000 gallon #4 fuel oil underground storage tanks (UST), on November 11, 2013, three (3) shipments of polychlorinated biphenyls (PCBs) impacted #4 heating oil were removed for off-site disposal by Environmental Waste Minimization, Inc. (EWMI), of Northampton, Pennsylvania. These materials, consisting of one hundred and eighteen (118) 55-gallon drums of PCBs/#4 fuel oil remediation waste resulting from the USTs cleanout operations, were taken by EWMI's transporters to Veolia ES Technical Solutions (Veolia) of Flanders, New Jersey, for staging and ultimate transport for incineration at their permitted facility in Port Arthur, Texas.

As a result of a contractual dispute between the contractor (EWMI) and the generator, final manifests and certificates of destruction have not yet been received by the generator. On April 9 and April 10, 2014, PEC attempted to contact Veolia directly to document receipt per 40 CFR 262.42 and to confirm ultimate destruction of these wastes via incineration. PEC spoke with Ms. Lori Erd and Mr. Kurt Scott of Veolia on April 10, 2014 and was informed verbally that these materials were in fact incinerated in Port Arthur, Texas and that the final manifests and certificates of destruction were forwarded to EWMI. A telephone memorandum documenting these conversations is attached (Attachment A).

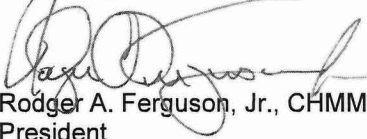
Consequently, since the generator only has verbal but no written confirmation of delivery for final disposal/incineration, please find attached (Attachment B) Manifest #s 011804367, 011804418 and 011804975 which represent the manifests for which the generator does not have confirmation of delivery.

Former Alcoa Building 12 – USEPA Exception Report
April 18, 2014
Page 2

Please feel free to call me at (908) 329-6060 or by email at rferguson@pennjerseyenv.com or Mr. William Call PG LSRP at (732) 245-1874 or by email at wcall@pennjerseyenv.com, with any questions.

Very truly yours,

PennJersey Environmental Consulting



Rodger A. Ferguson, Jr., CHMM LSRP
President

NJ Licensed Site Remediation Professional No. 573794

cc: Mr. James Hacklar (electronically)
United States Environmental Protection Agency Region II

Mr. John Giordano
New Jersey Department of Environmental Protection

Mr. Matthew Vereb (Electronically)
38 COAH Associates LLC

Mr. Kurt Scott (Electronically)
Veolia Environmental Services

Michael Acker (Electronically)
Environmental Waste Minimization, Inc.

Mr. Edward J. Lentz, Esq. (Electronically)
Fitzpatrick Lentz & Bubba, P.C.

Mrs. Debra S. Rosen, Esq. (Electronically)
Archer & Greiner, P.C.

Mr. Kevin Benbrook, Esq. (Electronically)
Benbrook & Benbrook, P.C.

**Attachment A – Documentation of Efforts to Locate Final Manifests
(PEC/Veolia Telephone Memorandum 04/10/14)**

Telephone Memorandum

Spoke With: Lori Erd and Kurt Scott
Of: Veolia ES Technical Solutions, LLC (Flanders, NJ)
Tel # 973-347-7111
Date: 04/10/14
Re: Confirmation of receipt of UST Cleanout PCBs wastes by Veolia disposal facility

I spoke with both Lori Erd and Kurt Scott (Veolia).

L. Erd called me back this morning about 9:10 AM and I explained that I was seeking to get copies of the manifests documenting receipt per 40 CFR 262.42. I had given L. Erd the three manifest numbers this morning and she related that she would email me a copy.

I then called back at 3:35 PM since I had not received same. L. Erd transferred me to K. Scott. He related that since Veolia's contract was with EWMI, he had sent the final manifests and certificates of destruction to EWMI (to Mr. Chip Sister [sp?]). He did however, verify that "all of the drums were incinerated in Port Arthur, Texas, as evidenced by the CODs being generated."

K. Scott related that EWMI should be getting in touch with me to get final copies.

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-01

Rapid Response

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number NJCESQG	2. Page 1 of 1	3. Emergency Response Phone 877-460-1038	4. Manifest Tracking Number 011804367 JJK
5. Generator's Name and Mailing Address 38 COAH Associates LLC 1000 Portside Drive Edgewater, NJ 07020 201 840-0050		Generator's Site Address (if different than mailing address) 660 River Road Edgewater, NJ 07020			
6. Transporter 1 Company Name SJT TRANSPORTATION CO. INC.		U.S. EPA ID Number NJ-D071629976			
7. Transporter 2 Company Name		U.S. EPA ID Number			
8. Designated Facility Name and Site Address Veolia ES Technical Solutions, LLC. 1 Eden Lane (973) 691-3922 Flanders, NJ 07836		U.S. EPA ID Number NJD980536593			
Facility's Phone:					
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	Type	11. Total Quantity	12. Unit Wt./Vol. 13. Waste Codes
X	1. UN3432, RQ, Polychlorinated Biphenyls, Solid, 9, II	002	DM	00040	K None
X	2. UN2315, RQ, Polychlorinated Biphenyls, Liquid, 9, II	083	DM	15,090	K None
<p>Generator certifies that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, labeled and in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary</p> <p>certifies that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent.</p> <p>certifies that the contents of this consignment are identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.</p>					
Signature MARIE IAFELICE		Signature Mark J. Smith		Month Day Year 11 11 13	
<input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S.		Port of entry/exit: Date leaving U.S.:			
17. Transporter Acknowledgment of Receipt of Materials					
Transporter 1 Printed/Typed Name Joseph Simister		Signature Joseph Simister		Month Day Year 11 11 13	
Transporter 2 Printed/Typed Name		Signature		Month Day Year	
18. Discrepancy					
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection					
18b. Alternate Facility (or Generator) (S.J. TRUCKING)		Manifest Reference Number: U.S. EPA ID Number			
Facility's Phone:					
18c. Signature of Alternate Facility (or Generator)		Month Day Year			
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)					
1.		2.		3.	
				4.	
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a					
Printed/Typed Name		Signature		Month Day Year	

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number NJCESQG	2. Page 1 of 1	3. Emergency Response Phone 877-460-1638	4. Manifest Tracking Number 011804418 JJK		
5. Generator's Name and Mailing Address 201 840-0050		38 COAH Associates LLC 1000 Portside Drive Edgewater, NJ 07020					
Generator's Phone:		6. Transporter 1 Company Name Environmental Waste Minimization Inc.					
		U.S. EPA ID Number PAR000501577					
7. Transporter 2 Company Name		U.S. EPA ID Number					
8. Designated Facility Name and Site Address (973) 691-3922		Veolia ES Technical Solutions, LLC. 1 Eden Lane Flanders, NJ 07836					
Facility's Phone:		U.S. EPA ID Number NJD980536593					
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No. Type		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
	X	1. UN3432, RQ, Polychlorinated Biphenyls, Solid, II	9, 005	DM	00165	K	None
	X	2. UN2315, RQ, Polychlorinated Biphenyls, Liquid, II	9, 014	DM	02545	K	None
	X	3. UN2315, RQ, Polychlorinated Biphenyls, Liquid, 9, PG-II	004	DF	00727	K	None
	X	4. UN2315, RQ, Polychlorinated Biphenyls, Solid, 9, PG-II	002	DF	00136	K	None
14. Special Handling Instructions and Additional Information A: S (5x55DM) @ WIP500100 = #4 Oil Sludges/Solids w/PCBS D: S (2x55DF) @ P500100 B: L (14x55DM) VNJPTAVES073 = #4 Oil Liquids w/PCBS T-155 C: L (14x55DF) VNJPTAVES073 cut of Service 11-11-13 Unit 11113-07 506066 PO# 03-10799-01							
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.							
Generator's/Offeror's Printed/Typed Name MARIC TAFELIC Signature Month Day Year 11 11 13							
INTL	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: Transporter signature (for exports only): Date leaving U.S.:						
	17. Transporter Acknowledgment of Receipt of Materials Transporter 1 Printed/Typed Name William A. Anderson Signature Month Day Year 11 11 13 Transporter 2 Printed/Typed Name Signature Month Day Year						
DESIGNATED FACILITY	18. Discrepancy 18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection Manifest Reference Number: 18b. Alternate Facility (or Generator) Facility's Phone: 18c. Signature of Alternate Facility (or Generator) Month Day Year						
	19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems) 1. 2. 3. 4.						
	20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a Printed/Typed Name Signature Month Day Year						
	DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)						

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number NJCESQG		2. Page 1 of 1	3. Emergency Response Phone 877-460-1038	4. Manifest Tracking Number 011804975 JJK	
5. Generator's Name and Mailing Address 38 COAH Associates LLC 1000 Portside Drive 201 840-0050 Edgewater, NJ 07020				Generator's Site Address (if different than mailing address) 660 River Road Edgewater, NJ 07020			
6. Transporter 1 Company Name Environmental Waste Minimization Inc.				U.S. EPA ID Number PA0000501577			
7. Transporter 2 Company Name				U.S. EPA ID Number			
8. Designated Facility Name and Site Address Veolia ES Technical Solutions, LLC. 1 Eden Lane (973) 691-3922 Flanders, NJ 07836				U.S. EPA ID Number NJ0980536593			
Facility's Phone:							
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		10. Containers No. Type		11. Total Quantity	12. Unit Wt./Vol.
	X	1. UN3432, RQ, Polychlorinated Biphenyls, Solid, 11		6 DM		409	K
		2.					
		3.					
		4.					
14. Special Handling Instructions and Additional Information A: S WIP500100-#14011 sludges/solids w/ PCB's B: Tins of 14 out of service w/ 1/2 g PCB 03-107997-01							
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.							
Generator's/Offor's Printed/Typed Name Vincent D. ...				Signature [Signature]		Month Day Year 10 29 13	
TRANSPORTER	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____				Transporter signature (for exports only): _____		
	17. Transporter Acknowledgment of Receipt of Materials						
	Transporter 1 Printed/Typed Name Ryan T. Berthoff				Signature [Signature]		Month Day Year 10 29 13
	Transporter 2 Printed/Typed Name				Signature		Month Day Year
DESIGNATED FACILITY	18. Discrepancy						
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection						
	Manifest Reference Number:						
	18b. Alternate Facility (or Generator)				U.S. EPA ID Number		
	Facility's Phone:						
	18c. Signature of Alternate Facility (or Generator)				Month Day Year		
	19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
	1. 1141	2.	3.	4.			
	20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a						
	Printed/Typed Name Nicholas ...				Signature [Signature]		Month Day Year 10 30 13

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Attachment B – Manifest #s 011804367, 011804418 and 011804975

